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CENTRAL INTELLIGENCE AGENCY

18 September 1975

The Honorable Donald Rumsfeld
Assistant to the President
The White House
Washington, D. C.

Dear Don:

Herewith the draft of the possible statement that we discussed with the President. I would be glad to follow up on this in any way deemed advisable.

Sincerely,


W. E. Colby
Director

Attachment

The current difference between the Intelligence Community and the House Select Committee on Intelligence is not a dispute over Congress' right to receive information. Large amounts of highly sensitive intelligence information have been provided to the Congress both in documents and interviews. This is consistent with the regular practice of the Intelligence Community to provide such material to those committees with jurisdiction over its activities. The intelligence agencies are fully prepared to continue this procedure and help the House Select Committee on Intelligence to complete its review of intelligence activities.

Nor is there a question whether certain of this material can be disclosed to the public, and consequently to foreign nations. Considerable amounts of such material have already been made publicly available, and it is clear that many documents which might once have been sensitive are, with the passage of time, no longer sensitive.

The issue is over the procedure for disclosing such material. The House Select Committee on Intelligence insisted on disclosing documents on short notice, over the protests of the Intelligence Community, and without consultation and discussion with the responsible leadership of the Intelligence Community. Whether information can be disclosed or not depends upon an assessment as to whether a careful examination of the information and a

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careful comparison of the situation it reports might disclose and frustrate our intelligence collection. Thus, reference to a particular phrase might alert a foreign nation that specific information came out of a very private discussion, revealing our access to such private discussion. Similarly, reference to our degree of knowledge of a subject at a specific date can be used to reconstruct the vulnerability of the protective devices employed by a foreign nation at that time. This could lead to remedial action and make the information more difficult or impossible to obtain in the future.

When time is not available for the careful research necessary to determine the exact basis for a phrase or conclusion, a prudent official must take the conservative position that material might reveal such sources. In the current case, a review of the material in question confirms that the phrases objected to indeed did rely upon sensitive activities which could be subject to modification due to the current publicity.

In some fields, our nation is already being deprived of important and perhaps even critical intelligence by earlier exposures. We must conduct these examinations of intelligence in a fashion which does not grievously if not mortally wound our intelligence agencies. The House Select Committee on Intelligence has taken a positive step toward resolution of this difficulty by proposing a 24-hour notice. This would certainly allow

for consultation, although it probably would not allow for the depth of research necessary for the intelligence agencies to take anything more than a conservative approach to the issue, which would be apt to lead to future impasses, not resolve them.

It is also essential that some procedure be developed so that any one of the myriad Congressional committees not singly decide such issues. Full consultation with the Congressional leadership, and indeed the Congress as a whole, should be possible in important cases.

We believe this matter can be satisfactorily resolved by men of good faith on both sides. We all wish to assist the Congress' proper investigation. We all wish to reveal to our public the information that will not hurt our nation by depriving it of the intelligence essential to the world of today and tomorrow.